THE

CASE

OF THE

HUDSON'S-BAY Company.

2 May, 22 Cha. II. 1669. The Charter.

HIS late Majeſty King *Charles* the Second, by Charter under the Great Seal, reciting, That Prince *Rupert*, and divers other Perſons therein named, had, at their great Coſt, undertaken an Expedition for *Hudſon's-Bay*, in the North-weſt Parts of *America*, for the Diſcovery of a new Paſſage into the *South-Sea*, and for finding ſome Trade for Furs, and other Commodities; and had there made ſuch Diſcoveries as encouraged them to proceed further; and had beſought his Majeſty to incorporate them, and grant them the ſole Trade and Commerce of thoſe Parts; and his Majeſty being deſirous to promote all Endeavours tending to the publick Good, did incorporate them by the Name of, *The Governor and Company of Adventurers of* England *trading into* Hudſon's-Bay; and did give and grant unto the ſaid Governor and Company, and their Succeſſors, for ever, the ſole Trade and Commerce of thoſe Seas, Rivers, and Lakes, in whatſoever Latitude they ſhould be, that lie within the Entrance of the Streights, called *Hudſon's Streights*, with all the Lands upon the Coaſts and Confines thereof, that were not then poſſeſſed by or granted to any of his Majeſty's Subjects, or poſſeſſed by any other Chriſtian State; and the whole and intire Trade and Traffick to and with the Natives and People inhabiting thoſe Parts, and Coaſts adjacent.

This Grant (as it appears from the Tenor thereof) was made to the firſt Diſcoverers of, and Adventurers in, a Trade to *Hudſon's-Bay*; and which they *had* thereby merited; and the Crown might lawfully grant them, and did grant, by ſuch Deſcriptions as the then Knowlege of thoſe newly diſcovered Parts would admit of: And it was for their *Reward*, and to encourage them to proſecute a Trade they had thus begun, to Parts where no civilized Inhabitants dwelt, and none but diſperſed *Indians* were to be met with, to Parts (perhaps the moſt inhoſpitable) and where the greateſt Extreme of Cold is felt, of any in the known Parts of the Globe, to which any Trade is carried, and though a Sea filled with Ice of ſuch Bodies and

This Grant (as it appears from the Tenor thereof) was made to the first Discoverers of, and Adventurers in, a Trade to *Hudson's-Bay*; and which they *had* thereby merited; and the Crown might lawfully grant them, and did grant, by such Descriptions as the then Knowlege of those newly discovered Parts would admit of: And it was for their *Reward*, and to encourage them to prosecute a Trade they had thus begun, to Parts where no civilized Inhabitants dwelt, and nine but dispersed *Indians* were to be met with, to Parts (perhaps the most inhospitable) and where the greatest Extreme of Cold is felt, of any in the known Parts of the Globe, to which any Trade is carried, and though a Sea filled with Ice, of such Bodies, and of such mountainous Height, as, by the concurrent Testimony of all Navigators, is not to be met with in any other Parts, though nearer to the Pole: So true is the Observation, that the excessive Cold or Heat that is met with in many Places, is owing to other Circumstances, than merely the Latitude of its Situation.

The Company, soon after this Charter, prosecuted the Trade to *Hudson's-Bay*, by sending several Ships, laden with Merchandize, into these Parts, and by erecting Storehouses and Factories there, and sending Persons up into the Country to cultivate an Understanding with the Natives; and though it was attended with a great Expence, and was a Work of Hazard and Difficulty, and that required Time and Pains to effect and settle a Correspondence and Traffick with the wild dispersed Natives there, who had never seen any *Europeans* before, and were Strangers to all Trade; yet the Company happily brought that about, and laid the first Foundation; which has, in Process of Time, established a considerable Trade to those Parts, and which must redound to this Company's particular Merit however they may be envied by some late Adventurers, who having failed in another Attempt they lately made, would now willingly reap the Fruit of this Company's Labour, and establish Factories, in Opposition to them, upon this Company's Foundations.

This Company, besides the Difficulties and Expences they necessarily underwent in the Outset of their Trade, have, in the Course thereof, met with others not less considerable: For in the Year 1682. the *French*, who set up a pretended Right to some of those Parts, came *in Time of Peace*, with a considerable Force, into the Bay, and by Surprize took several of the Company's Factories, with great Quantities of their Goods for Trade, and Furrs therein, and committed several hostile Depredations, by which the Company sustained so great a Loss, that they were forced to take up Money upon Bind, and otherwise; and by this and the succeeding War with *France* were disabled from making any Dividend for a great many Years; *viz.* From 1691 to 1718. after the Treaty of *Utrecht*, when such of the Company's Factories as had been taken by the *French*, being delivered upto the Company's chief Officers, who were appointed by her late Majesty Queen *Anne*, to take Possession thereof, for the Use of the Company, and who thereby received her Majesty's Sanction of their Rights; and the Company being put into Possession of those Factories, they revived their Trade, and in a few Years brought it into a flourishing Condition, and have effectually kept the *French* from carrying on any Trade in the Bay ever since.

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The Company have not only had the Grant and Ratification of the Crown, of their Rights as aforeſaid, but have alſo met with the Sanction of the Legiſlature thereto; and in an Inſtance, the ſtrongeſt perhaps that could ever have happened; for in the Year 1708 the Parliament paſſing an Act for encouraging the Trade to *America*, in which it being declared, It ſhould be lawful for all his Majeſty's Subjects to trade into any Part of *America* without Interruption; a Proviſo was inſerted, that "nothing in that Act ſhould extend to "take away or prejudice any of the Eſtates, *Rights & Privileges* of the *Hudſon's-Bay* Company."

The Company, beſides the proſecuting the ſaid Trade, did not neglect ſending, at different times, as the State of their Affairs and Abilities would permit them to do, ſeveral Ships and Veſſels in Search for a North-weſt Paſſage from *Hudſon's-Bay* to the *South-Seas*, and were at no ſmall Expence therein, not only in one, but in repeated Attempts, and loſt ſeveral Ships, with their Officers and Crews therein; but after having been at the moſt likely Places, and by all they could learn from the *Indians*, they could never find there was any ſuch Paſſage; and though the Crown has been induced formerly, as well as very lately, to ſend ſome Ships on that Search (as likewiſe have ſome private Adventurers) yet has no ſuch Paſſage been found, though a Reward of 20,000 *l.* was given by Parliament to thoſe Adventurers if they had ſucceeded, as they ſeemed to promiſe; in which Way the Legiſlature thought fit to recompence them, and not by breaking in upon this Company's Rights, or wreſting from them their Trade or Commerce: On the contrary it is obſervable, That in the Act which gave that Reward there is contained a Proviſo, that "nothing therein contained ſhould extend "to take away or prejudice any of the Eſtates, Rights or Privileges, of or belonging to this Company."

Theſe late private Adventurers finding their Attempts in Search of a North-weſt Paſſage had not anſwered their Expectations, and being tired with the Expence of one Expedition, and, it is believed, ſatisfied in general that there was no ſuch Paſſage, and being diſappointed in their Hopes of the 20,000 *l.* Reward they had not been able to merit, they (inſtead of further purſuing new Diſcoveries) turned their Thoughts towards getting Settlements in old ones, as that was more ſure, and a ready Way to reimburſe themſelves. For this Purpoſe they petitioned his Majeſty in Council, for a Grant and Charter to ſhare with this Company in their Trade to *Hudſon's Bay*, grounding their Merit on the aforeſaid Attempt they had made for diſcovering a North-weſt Paſſage; and that tho' they had not been more ſucceſsful therein than this Company have been, yet, if they had a Charter, they ſhould however be more ſucceſsful in the Trade; and, to make Way for ſuch New Charter, they laid ſeveral Things before his Majeſty to impeach the old Charter, and this Company's Conduct under it: Which Petition having been referred to his Majeſty's Attorney and Sollicitor-General, they, on hearing the Evidence on both Sides, have reported, "That, conſidering how "long this Company had enjoyed and acted under their Charter, it was not adviſeable for his Majeſty to "diſturb them therein; and, as to the particular Charges made againſt the Company, that they were either "not ſufficiently ſupported in Point of Fact, or, in a great meaſure, accounted for from the Nature and "Circumſtances of the Caſe."

Thoſe Adventurers, not obtaining what they had ſo applied for from the Crown, then entertained Thoughts of making a like Application to Parliament; but, not ſeeing any Proſpect of Succeſs that could attend ſo unreaſonable a Project, and thus defeated in all their Expectations, and moved by their Diſappointment, they have now endeavoured to do this Company all the Injury in their Power, by repreſenting them to the Public in a Light they do not deſerve.

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The Manner of the Company's carrying on Trade in thoſe Parts is, by Factories eſtabliſhed on the moſt conſiderable Rivers that come into the Bay, at ſuch convenient Diſtance as thoſe Rivers will admit the Company's Ships to go; there being many and great Falls in the Rivers in thoſe Parts; and, at which Factories, the Company have Officers and Servants they maintain all the Year, and where the Merchandize the Company ſend yearly from *England*, in ſeveral Ships, is depoſited for trafficking with the *Indians*, and which are well known to the *Indians*, from the Reſort they have had thereto for a Courſe of Years; and who, upon the firſt Breaking-up of the Ice in the Rivers, come down thereto in Canoes loaden with Furrs, from all Parts of the Country, which they barter with the Company for *Britiſh* Commodities they take back in Return; and the Company always take whatever they bring, and ſupply them with whatever they want; and at Prices the *Indians* are no diſſatisfied with, nor can procure them elſewhere cheaper. And this Company, who have brought the Trade to be beneficial, would readily endeavour to make it more ſo, if it was practicable; and their Credit is ſuch, that, if a greater Increaſe of Capital was found neceſſary for ſuch Purpoſe, they could eaſily procure it; but unneceſſarily to do that, would only be opening a Door to Frauds, to the Injury of many unwary Perſons; which Experience has ſhewn to have been the Caſe in ſome other Companies, now ſunk into Diſcredit.

The principal Articles of Trade in theſe Parts is ſupplying the Natives with Guns, and Powder and Shot, they ſubſiſting wholly by hunting (except the *Eſkimaux Indians*, who are Fiſhers), and with Cutlery-ware, Cloth, and ſome other of the *Britiſh* Manufactures; and the Company take in Return the Furs of the wild Beaſts the *Indians* kill, and which are of various Sorts, and amongſt them large Quantities of Beaver, which are all brought to *England* by the Company, and ſold to the Furriers here at Two publick Sales in the Year by Auction, to their intire Satisfaction, and who carry on the valuable Manufacture of Hats therewith: The Company alſo trade with the *Eſkimaux Indians* in the Streights and Northern Parts of the Bay for Whalebone and Oil, and allow their Captains 25 *l. per Cent.* on the neat Produce thereof, to encourage that Traffick, thoſe *Indians* being dextrous in the killing Whales they meet with in thoſe Parts.

From the Nature of this Trade, it is apprehended, if it was laid open (but which, it is conceived, cannot be, without the greateſt Violation of this Company's Charter), it would not long ſubſiſt, nor be able to withſtand any Injury offered by ſtraggling Traders to the Natives in thoſe Parts, with whom a Confidence has been

been gained only by great good Uſage, and who have no Force to protect themſelves, but would ſoon be checked and put an End to: Neither might the *French* be ſo effectually kept out from trading in the Bay, as they have been for a Courſe of Years laſt paſt; nor, perhaps, all the Furs procured there by the *Engliſh* be brought home to *England*, *as they are now by this Company*, to the intire Satisfaction of all the Furriers, and to the great Inrichment of this Kingdom, but be carried to other Parts, and there manufactured, as is well known to be the Caſe in *New-England*, with reſpect to many of the moſt valuable Furs procured there.

It is obvious likewiſe, that there muſt be Factories maintained, or no Trade could be carried on with any Succeſs to theſe Parts, where the Natives live diſperſed, and where the Summer-ſeaſon is ſo ſhort, and the Rivers are open ſo little Time, that the Merchandize muſt be in Readineſs, to diſpatch them on their firſt coming down; and ſo likewiſe muſt the Loadings be got in Readineſs for the Ships to return to *Europe*, or they would be incapable of getting back that Year through the Streights, by reaſon of the Ice; and Factories cannot well be maintained, but by a Society or Company of Men; and no particular Set of Perſons can pretend equal Merit to intitle them to this Trade with the preſent Company, who have begun and brought it to its preſent flouriſhing State; which makes it the preſent Object of Envy to ſome, who would willingly change Hands with the Company, and get into their Places.

To ſettle this Country with Colonies from *England*, is conceived to be impracticable; nor does indeed the Charter ſeem to have had that much in View; for the Snow lies here Three Parts of the Year, and the Froſt is never out of the Ground; and, in the Midſt of Summer, there are frequent ſharp Froſts in the Nights; and the Country is ſo unfertile, that the *Engliſh* at the Factories are forced to be ſupplied with the greateſt Part of their Proviſions from *England*: And, as to Corn, they cannot raiſe nor procure any, but what is ſent them from hence. No *Indians* thereabouts were ever ſeen with any, nor any thing like Bread; and they are often reduced to the greateſt Diſtreſs for want of Food.

Upon the whole, it is humbly hoped, That the Hudſon's Bay Company, *who were the firſt Diſcoverers of, and Adventurers in, this Trade; and who, after great Expences and Loſſes, have brought the Trade to be beneficial; will appear Deſerving to be Supported therein.*

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